REMARKS

Claims 1-37 are pending. Favorable reconsideration is requested.

Applicants thank the Examiner for the cordial telephone interview dated July 21, 2010.

During the interview, applicants' undersigned representative reiterated the arguments presented in the Amendment filed June 21, 2010. Although no agreement was reached, the Examiner stated that she would carefully consider the arguments before issuing the next Office Action.

Applicants' undersigned representative also pointed out that, in applicants' view, there would have been no reason or motivation to modify the teachings of Hars with the cited teachings of Hart, III. The Examiner requested during the interview that applicants' undersigned representative amplify and present this argument in writing in the present Supplemental Preliminary Remarks.

In particular, Hars is directed to a method of preventing circumvention of the use of watermarking in copy prevention meeting SDMI. Conventional copy prevention techniques employ watermarks at various points in the audio signal, which can, for example, be used by SDMI compliant devices to prevent copying not permitted under SDMI standards.

Specifically, some pirates attempt to defeat the SDMI compliant copy protection by individually processing small fragments of the audio, which may be so small that the watermark may not be recognized. When such small fragments are then merged back together, the resulting audio may give the appearance of content that is *not* copyrighted (and which, therefore, could be freely copied by the device).

In order to prevent this circumvention, Hars describes a disruption insertion system for use in SDMI compliant devices. The system inserts a type of disruption, e.g., between two recorded fragments anytime the fragments are merged together, so as to provide frequent interruptions or loudness fluctuations in merged audio files. See, e.g., Hars, paragraphs [0034]-[0039].

As was pointed out in the previous responses, and mentioned during the interview, Hars' disruption does not provide the same function as the claimed audible announcement of a trading floor identifier. In the independent claims, the audibly announced trading floor identifier relates to the intended recipient of the trading data. Hars disruption information is completely unrelated to the intended recipient.

Moreover, Hars disruption information is generated so as to achieve a particular function, namely to cause noise *under particular circumstances*, i.e., when it is detected that audio fragments have been merged together. In view of the particular function provided by Hars disruption, applicants submit that there would have been no reason or motivation to modify Hars disruption insertion scheme by the use of the technique of Hart, III, which provides an encoded, and non-audible, indication of the intended recipient of a media file.

In the first place, as mentioned in the June 21, 2010 amendment, Hart, III does not audibly announce anything. Thus, neither Hars nor Hart, III teach an audible announcement relating to the intended recipient of data, as in the independent claims. Also, one of ordinary skill in the art having the Hars reference in front of him/her, would find no reason to modify the audible disruption feature of Hars so that the audible disruption identify the intended recipient of the audio file. It is completely unnecessary to employ this feature in Hars to circumvent the pirating that Hars is intended to prevent, and the addition of this data would add unnecessary complications that are unrelated to defeating the pirating discussed in Hars.

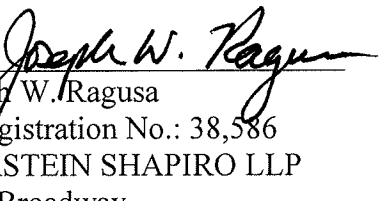
The only reason, in applicants' view, to combine the aspects of Hart, III mentioned in the Office Action with Hars, would be to meet the features of the independent claims, which would amount to an impermissible hindsight reconstruction of the claims.

In view of the foregoing, and the arguments presented in the previous Amendments, the independent claims are believed patentable over the cited art. The dependent claims are believed patentable for at least the same reasons as their respective base claims.

In view of the above remarks, applicants believe the pending application is in condition for allowance.

Dated: July 22, 2010

Respectfully submitted,

By 

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